

REMARKS/ARGUMENTS

We have canceled claims 9-18, 25-33, and 39-42 which had previously been withdrawn from consideration. And we have also canceled claims 54 and 55. After entering the amendments identified above, claims 4-8, 19-24, 43-53, 56-58, and 64-66 will be pending in this application.

We have corrected an error discovered on page 20. The identified layer 2404 was incorrectly called the transparent conductive layer instead of the passivation layer, as it should have been.

The examiner objected to claims 43-46, 52, 53, and 64 because of certain identified informalities and proposed amendments to address the informalities. We have amended the claims in the manner proposed by the examiner.

The examiner rejected claim 47 under 35 U.S.C. §112, first paragraph, on the basis that it supposedly failed to comply with the written description requirement. More specifically, the examiner argued that “[t]he specification and drawings do not disclose the first transparent conductor extends partly over the passivation layer, as recited in claim 47.” And he points to Fig. 9 as evidence that the language of the claim is supposedly inconsistent with what was disclosed. But the figure that discloses an example of the device of claim 47 is Fig. 24, which is described in the third full paragraph on page 20 of the present application. As shown in Fig. 24 and described in the corresponding paragraph, the first transparent conductor 2407 extends partly over the passivation layer 2404 (see arrow A in copy of Fig. 24 presented below).

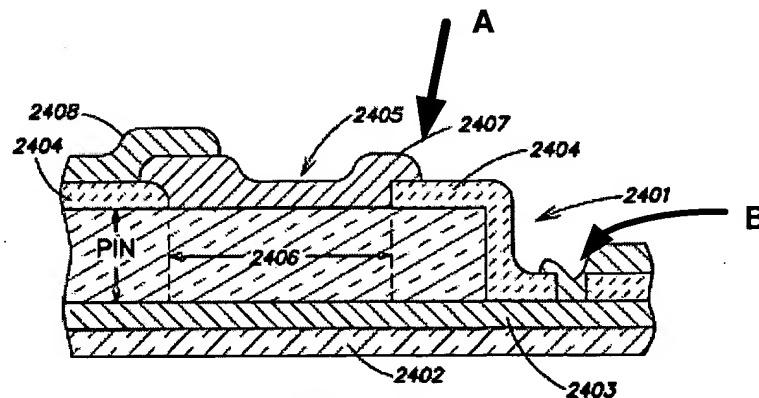
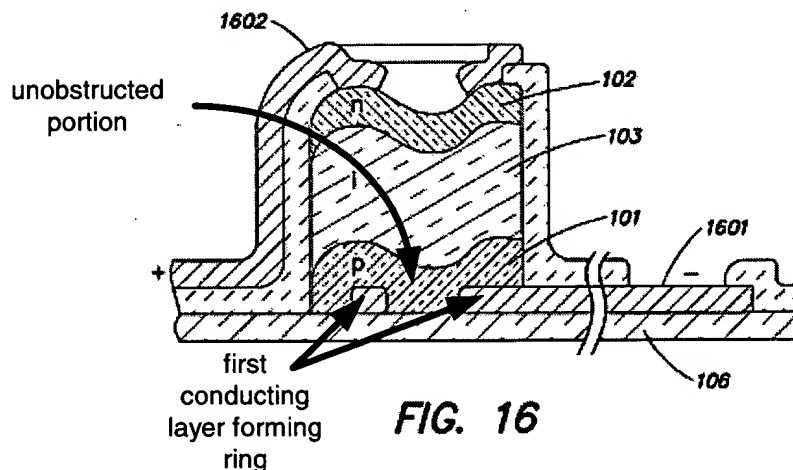


FIG. 24

The examiner also rejected claim 56 under 35 U.S.C. §112, first paragraph, on the basis that it also supposedly failed to comply with the written description requirement. More specifically, the examiner argued that “[t]he specification and drawings do not disclose the first conductive layer electrically contacts a bottom surface of the PIN diode leaving unobstructed a portion of the bottom surface directly opposite the aperture, as recited in claim 56.” And in this case, he points to Figs. 12 and 13 as showing different structure from what is claimed. But again the relevant figures are Figs. 16 and 17, which are described on page 18 of the present application. As shown in Fig. 16 (see copy below), a first conducting layer 1601 electrically contacts a bottom surface of the PIN diode leaving unobstructed a portion of the bottom surface directly opposite the aperture. Note that first conducting layer 1601 forms a ring defining the unobstructed portion.



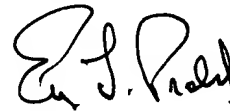
The examiner also rejected claim 48 under 35 U.S.C. §112, second paragraph, on the basis that it is supposedly indefinite. The examiner appears to believe that this is inconsistent with what is recited in claim 1. We note, however, that claim 1 is directed to a different structure from the to which claim 48 is directed. In Fig. 24, which illustrates the structure recited in claims 47 and 48 (see right portion of structure that is depicted), the metal line-out 2408 does in fact contact the second transparent conductor 2403 through an aperture formed in the passivation layer 2404 (see arrow B in copy of Fig. 24 presented above).

Since this addresses the concerns that were raised by the examiner, we believe that the claims are allowable and therefore ask the examiner to allow them to issue.

Please apply any charges not covered, or any credits, to Deposit Account No. 08-0219[jrb1].

Respectfully submitted,

Date: November 11, 2004



Eric L. Prah
Reg. No. 32,590

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6043
Facsimile: (617) 526-5000